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Attorneys for Defendants SIMPLY GREEN, INC, a California corporation; STEVEN LYNCH MUSSER and MAUREEN GILBERT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEAN RIKER,

Plaintiff,

V.

THE INN AT SCHOOLHOUSE CREEK;
SIMPLY GREEN, INC.; PETER P. BLASKO;
PETER P. BLASKO TRUST; DOE TRUSTS 1
through 5; DOES TRUSTS 6 through 10;
STEVEN LYNCH MUSSER; JOANNE
A. TYBINK; STEVEN MUSSER; MAUREEN
GILBERT; and DOES 11 THROUGH 50,
Inclusive.

Defendants.

CASE NO. CV 10 1056 EMC

**DEFENDANTS' UNOPPOSED MOTION
FOR AN ORDER ALLOWING THE
CONFIDENTIAL SETTLEMENT TO BE
FILED UNDER SEAL; PROPOSED-
ORDER**

Complaint filed: March 12, 2010
Trial date: none set

The parties are pleased to report that they reached a complete settlement in all respects, including Plaintiff's claims for injunctive relief, statutory damages, and reasonable statutory attorney fees, litigation expenses and costs. The parties have now memorialized the settlement through a Confidential Settlement Agreement. The Settlement Agreement contemplates that the Court will retain jurisdiction of the case under General Order 56 for enforcement and interpretation. The parties request that the Court permit the Confidential Settlement Agreement be filed with the Court under seal.

**[PROPOSED] ORDER ALLOWING PARTIES TO FILE CONFIDENTIAL
SETTLEMENT AGREEMENT UNDER SEAL**

The parties have reached a complete settlement in all respects, including Plaintiff's

1 claims for injunctive relief, statutory damages, and reasonable statutory attorney fees, litigation
 2 expenses and costs. The parties have now memorialized the settlement through a Confidential
 3 Settlement Agreement. The parties request that the Court permit the Confidential Settlement
 4 Agreement be filed with the Court under seal.

5 DATED: August 19, 2010

JEFFER MANGELS BUTLER & MITCHELL LLP
 MARTIN H. ORLICK
 MATTHEW S. KENEICK

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9 By: /s/ Martin H. Orlick

10 MARTIN H. ORLICK

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13 Attorneys for Defendants SIMPLY GREEN, INC, a
 14 California corporation; STEVEN LYNCH MUSSER
 15 and MAUREEN GILBERT

16 **APPROVED AS TO FORM AND CONTENT:**

17 DATED: August 19, 2010

18 THIMESCH LAW OFFICES
 19 TIMOTHY S. THIMESCH
 20 GENE FARBER

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23 By: /s/ Signature Authorized
 24 Attorneys for Plaintiff JEAN RIKER

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27 Pursuant to Federal Rules of Civil Procedure, Rule 26 (c), and by agreement of
 28 counsel hereto,

29 **IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:**

30 1. Plaintiff Jean Riker filed this action on March 12, 2010, by Agreement of the
 31 parties, this Action has been settled in all respects. The parties have agreed to request the Court
 32 retain jurisdiction to enforce the settlement under General Order 56.

33 2. This litigation concerns disabled access claims . The Settlement Agreement
 34 is confidential and the parties have not previously disclosed its terms to the public.

35 3. Plaintiff does not oppose this motion to filing the Settlement Agreement
 36 under seal. On August 1, 2010, plaintiff submitted Plaintiff's Request for Dismissal With Prejudice
 37 and with Retained Jurisdiction to Interpret and Enforce Settlement Agreement. [Proposed Order].

1 (Dkt 18].

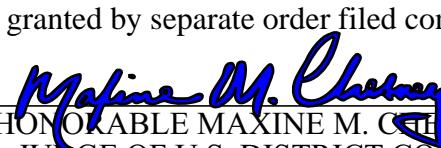
2 4. On August 9, 2010, the Court entered its Order Directing Parties to Submit a
3 Copy of Settlement Agreement by August 20, 2010.

4 5. The parties request the Court maintain continuing jurisdiction to Interpret and
5 Enforce the Settlement Agreement.

6 **ORDER**

7 1. The motion to file under seal is hereby DENIED as moot; by its Order of August 9, 2010, the
Court required the parties to submit the settlement but did not require that it be filed.
8 2. The request for continuing jurisdiction has been granted by separate order filed concurrently
herewith.

9 DATED: August 27, 2010

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11 HONORABLE MAXINE M. CHISNEY
12 JUDGE OF U.S. DISTRICT COURT
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